

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division

MELANIE L. PROCTOR (CSBN 228971)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6730
FAX: (415) 436-7169
melanie.proctor@usdoj.gov

Attorneys for Defendant

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE SIERRA CLUB and)
ENVIRONMENTAL INTEGRITY)
PROJECT,)
Plaintiffs,)
v.)
ENVIRONMENTAL PROTECTION)
AGENCY,)
Defendant.)

No. C 09-5662 MEJ

JOINT MOTION TO BE EXCUSED
FROM THE FORMAL ADR PROCESS
and ~~PROPOSED~~ ORDER

Each of the undersigned certifies that he or she has read either the handbook entitled “Dispute Resolution Procedures in the Northern District of California,” or the specified portions of the ADR Unit’s Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this action is limited to Plaintiffs’ request that the Court order Defendant to provide Plaintiffs with the information it seeks. Defendant is in the process of releasing sought documents to Plaintiffs. Given the substance of the action and the lack of any potential middle ground, ADR will only serve

JOINT MOTION RE: ADR
C 09-5662 MEJ

1 to multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR
2 L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that
3 they be excused from participating in the ADR phone conference and any further formal ADR
4 process.

5 Dated: February 24, 2010

Respectfully submitted,

6 JOSEPH P. RUSSONIELLO
7 United States Attorney

8 /s/
9 MELANIE L. PROCTOR¹
10 Assistant United States Attorney
Attorney for Defendant

11 Dated: February 24, 2010

12 /s/
13 DAVID A. BAHR
Attorney for Plaintiffs

14 **PROPOSED ORDER**

15 IT IS SO ORDERED. The parties are hereby excused from the ADR process.

16 Dated: February 25, 2010

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18 MARIA ELENA JAMES
19 United States Magistrate Judge

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28 ¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any
signatures indicated by a "conformed" signature (/s/) within this efiled document.